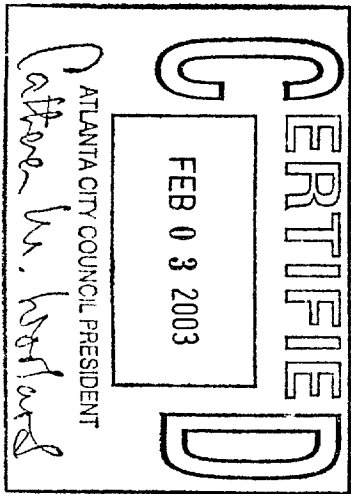


Entered - 08/01/02 - sb  
CL02L0510 - DIANNE C. MITCHELL

CLAIM OF: **JOHN A. MONIN**  
1132 Morningside Place  
Atlanta, Georgia 30306

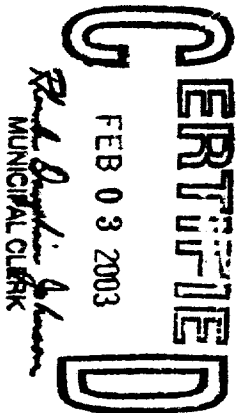
03-R-0096



For damages alleged to have been sustained as a result of  
"consequential damages" due to the South Fork Sewer Project in  
April, 2002 at 1132 Morningside Place.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



ADVERSED BY  
CITY COUNCIL FEB 03 2003

## ADVERSE REPORT

COMM: Public Safety

DATE: 1-28-03

CHAIR: Nancy Dorwood

C. T. Carter

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 6, 2003

John A. Monin  
1132 Morningside Place  
Atlanta, Georgia 30306

03-R-0096

Dear Mr. Monin:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 03, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0510

Date: January 13, 2003

Claimant /Victim JOHN A. MONIN

BY: (Ins. Co.)(Atty.) \_\_\_\_\_

Address: 1132 Morningside Place, Atlanta, Georgia 30306

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 40,493.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 07/18/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 04/02 Place: 1130 Morningside Place

Department Public Works Bureau: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he was not paid "consequential damages" resulting from construction of the South Fork Sewer Project. However, the investigation determined that the City did in fact pay directly to the Morningside Place Homeowners Association, Inc. for the acquisition of the easements, including payment for the "consequential damages", for the South Fork Sewer Project. Pursuant to the bylaws of the homeowners association, the association was granted the authority to "represent the Owners in dealing with governmental entities". The claimant has been advised to pursue his claim against his homeowners association.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

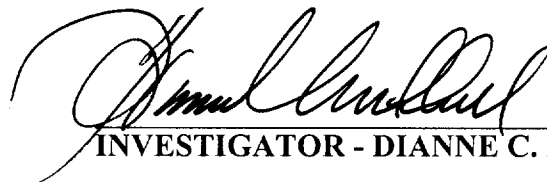
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager:  Concur/date 01-16-03

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4417  
2/03/03  
2:27 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7: Except 02-O-2096

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**2/03/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 03-O-0033
2. 03-O-0123
3. 03-O-0109
4. 02-O-1038
5. 03-O-0105
6. 03-O-0057
7. 03-O-0111
8. 03-R-0121
9. 03-R-0069
10. 03-R-0070
11. 03-R-0071
12. 03-R-0072
13. 03-R-0073
14. 03-R-0074
15. 03-R-0075
16. 03-R-0076
17. 03-R-0077
18. 03-R-0078
19. 03-R-0079
20. 03-R-0126
21. 03-R-0090

**Items Adversed on the Consent  
Agenda**

22. 03-R-0091
23. 03-R-0092
24. 03-R-0093
25. 03-R-0094
26. 03-R-0095
27. 03-R-0096
28. 03-R-0097
29. 03-R-0098
30. 03-R-0099
31. 03-R-0100

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Consent I Vote: 15Yeas; 0 Nays: (See RCS #4417)  
Item Removed from the Consent Agenda: 02-O-2096